

PROPOSED MEDICAL MARIJUANA BYLAW

Amend the Warren Zoning Bylaw, Section 3.2, Schedule of Use Regulations, to add Medical Marijuana Treatment Center and Cultivation as a use permitted by special permit of the Planning Board in the Mill Conversion Overlay District:

3.2 Schedule of Use Regulations

	District		
	RU	R	V
3.26 Institutional, Educational, and Recreational			
7. Medical Marijuana Treatment Center and Cultivation	SP in Mill Conversion Overlay District		

Amend the Warren Zoning Bylaw, Section 1.4, Definitions, by adding a new definition for Medical Marijuana Treatment Center

Medical Marijuana Treatment Center (MMTC) – A not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Registered Marijuana Dispensary (RMD) – A facility for the cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use, whether located inside a structure or building or not.

Medical Marijuana Cultivation – an area within in a building where marijuana plants are cultivated solely for medical purposes.

Amend the Warren Zoning Bylaw by adding a new Section 15, Medical Marijuana Treatment Center, as follows:

Section 15 Medical Marijuana Treatment Center

15.1 Purpose

The purpose of this bylaw is allow Medical Marijuana Treatment Centers (MMTCs) in the Town of Warren to enable individuals with a debilitating medical condition, for which medical marijuana is a viable treatment, to have access to registered marijuana dispensaries. It is the intent of this bylaw to protect public health and safety; to regulate the siting, design, and safety of registered marijuana dispensaries and cultivation sites; to minimize adverse impacts on abutting properties; to provide adequate separation from schools, parks, and other areas where

children may assemble; and to provide for site security to deter crime and uphold the safety of surrounding neighborhoods.

15.2 Special Permit and Site Plan Approval Required

In the Mill Conversion Overlay District only, MMTCs and cultivation sites require the grant of a Special Permit and Site Plan Approval from the Planning Board.

1. Host Community Agreement: Applicants shall submit a proposed Host Community Agreement that describes measures intended to mitigate potential negative impacts on the Town or neighborhood.

15.3 Separation

No MMTC or cultivation site may be located closer than three hundred feet (300') of a facility used, at the time of the first notice of the public hearing, for a park, playground, church or other religious use, elementary, middle or high school, or state-licensed child day care center. This measurement shall be the shortest distance between the MMTC building and the property line of the use in question. Such uses shall not be prohibited from locating within three hundred feet (300') of an MMTC, nor shall an MMTC fall out of compliance with the Zoning Bylaw if such a use locates within three hundred feet (300').

15.4 Security Plan

In addition to the submission requirements for special permits and site plans, the application shall include a security plan to deter crime and protect the public safety. The plan may include measures such as locks, gates, cameras, alarms, fences, lighting, and monitoring practices. The Police Chief may recommend changes to the security plan and the Planning Board will incorporate the Chief's recommendations in the special permit decision.

15.5 Standards Applicable to Registered Marijuana Dispensaries and Cultivation Sites

1. An applicant shall possess a Certification of Registration from the Mass. Department of Public Health as a Registered Marijuana Dispensary and shall comply with the Department's regulations at all times.
2. The proposed plan shall conform to §5.1, Special Permits, §5.35, Standards for Approval of Site Plans, and to §13.6, Development Standards for the Mill Conversion Overlay District.
3. Where feasible, the site plan shall provide a ten-foot landscaped buffer on the sides and rear of the property to shield security features and minimize the visual impact on the neighborhood.
4. The use shall not generate odors from marijuana use or production of marijuana products.
5. The property may contain one standing sign and one wall sign to identify the use within. The standing sign shall not exceed thirty-two (32) square feet and the wall sign shall not exceed sixteen (16) square feet. The Planning Board may approve up to three on-site directional signs to direct patrons to the building and parking area; each such sign may contain up to four (4) square feet of sign area. Off-site signage is prohibited.

6. Hours of operation shall be between 8:00 AM and 8:00 PM Monday thru Saturday.
7. Noise shall comply with the Noise Policy of the Mass. Department of Environmental Protection and Division of Air Quality regulations, 310 CMR 7.10. A noise source will violate the noise regulation if the source:
 1. Increases the broadband sound level by more than 10 dB(A) above ambient, or
 2. Produces a “pure tone” condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. “Ambient” is defined as the background A-weighted sound level that is exceeded 90% of the time, measured during equipment operating hours.

8. The site plan shall show adequate parking for the anticipated level of use. The Board may require an analysis of parking demand to justify the number of proposed parking spaces.
9. A special permit granted under this section shall be personal to the applicant and shall lapse upon sale. A change of ownership shall require submission of a new special permit application to the Planning Board for approval.



